

Exhibit A

RESOLUTION NO. 07-__

**RESOLUTION OF THE MONTEREY COUNTY LOCAL AGENCY FORMATION
COMMISSION MAKING DETERMINATIONS AND PARTIALLY APPROVING A
COMPREHENSIVE AMENDMENT TO UPDATE THE SPHERE OF INFLUENCE OF
THE CITY OF GREENFIELD
(LAFCO FILE NO. 06-10)**

RESOLVED, by the Local Agency Formation Commission of the County of Monterey,
State of California, that

WHEREAS, a resolution of application to update the Sphere of Influence of the City of Greenfield was heretofore filed and accepted for filing by the Executive Officer of this Local Agency Formation Commission, pursuant to Title 6, Division 1, commencing with Section 56000, et seq. of the Government Code; and

WHEREAS, prior to acting upon the City's application the Formation Commission heard from interested parties, considered the proposal and the report of the Executive Officer and considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56425(e), certain other applicable provisions of the Government Code, this Formation Commission's policies, and certain applicable provisions of the City's General Plan and City Policy as set forth in Exhibits A.2 through A.8 attached to this resolution; and

WHEREAS, the Formation Commission, pursuant to Government Code Section 56428(b), set January 8, 2007 as a Special Meeting hearing date on the update of the Spheres of Influence of the City of Greenfield and gave the required notice of hearing; and

WHEREAS, the public hearing by this Commission was held upon the date and at the time and place specified in said notice of hearing and in any order or orders continuing such hearing; and

WHEREAS, the Executive Officer has reviewed this proposal and prepared a report, including recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, the Commission has reviewed and considered the Environmental Impact Report for the City of Greenfield's 2005-2025 General Plan that was certified by the City Council on May 31, 2005 and the Environmental Impact Report for the South End Sphere of Influence

project and addendum to the General Plan Environmental Impact Report that were certified by the City Council on August 8, 2006; and

WHEREAS, the Commission considered all of the information contained in the Environmental Impact Reports certified by the City as set forth above; and

WHEREAS, while the City's Statement of Overriding Considerations with respect to the impacts to scenic resources, air emissions, and regional biological resources are supported by substantial evidence, the same cannot be said with regards to the impacts in the form of substantial loss of important farmlands;

WHEREAS, without appropriate modifications to the size of the Sphere of Influence amendment and the imposition of mitigation measures and conditions, the proposal cannot be brought into conformance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCO of Monterey County policies, and policies of the City of Greenfield General Plan and City Policy attached hereto as Exhibits A.2 through A-8) and as discussed in the Executive Officer's Report and attachments dated January 8, 2007 and incorporated herein by reference; and

NOW, THEREFORE, the Local Agency Formation Commission of the County of Monterey does HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. The Commission, acting as a responsible agency under the law has reviewed and considered the information contained in the Environmental Impact Reports prepared for the project and approved by the Greenfield City Council on May 31, 2005 and August 8, 2006.

Section 2. The Environmental Impact Reports addressed aesthetic resources, agricultural resources, air quality, biological resources, cultural/historic resources, geology/geologic constraints, site hazards/hazardous materials, hydrology/water quality, land use planning, population/housing, public services/facilities, and traffic/circulation.

Section 3. The Commission considered the impacts presented in the Environmental Impact Reports and found that all the significant impacts due to project implementation could be reduced to less than significant levels with the implementation of the proposed mitigation measures, with the exception of the potential adverse impacts on scenic resources, the loss of important farmlands, air emissions, and regional biological resources.

Section 4. The Commission finds that the environmental impacts to scenic resources, air emissions, and regional biological resources are significant impacts that cannot be reduced to a less than significant level with mitigation and are, therefore, subject to the Statement of Overriding Considerations adopted by the City of Greenfield.

Section 5. The Commission finds that the environmental impacts to scenic resources, air quality, and regional biological resources are significant and unavoidable; however, the Commission concurs that on balance there are economic, legal, social, and other benefits of the

proposal that outweigh the unavoidable adverse environmental effects as determined by the City of Greenfield. The Commission, however, further finds that these benefits do not outweigh the unavoidable adverse environmental effects in the form of substantial loss of important farmlands, without a reduction in the size of the proposed Sphere of Influence as shown in Exhibit A.1 and the imposition of mitigation measures and conditions in order to bring the proposal into conformance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, LAFCO of Monterey County policies, and policies of the City of Greenfield General Plan. The Commission determines that the loss of important farmlands as reduced and modified in the proposal as shown in Exhibit A.1 is outweighed by the following overriding considerations:

- o The proposal would assist in providing for future City housing needs,
- o The proposal would assist in providing additional employment opportunities in the City,
- o The proposal would assist in increasing City revenues, through sales tax revenues from the commercial component, and property taxes from the parcels created by the project.
- o The proposal would assist the City to make appropriate land use decisions,
- o The proposal would encourage orderly growth and development which are essential to the social, fiscal, and economic well-being of the Greenfield community, the County, and the State, and
- o The proposal would assist in providing governmental services to persons and families of all income levels.

Section 6. The Environmental Impact Reports identified various mitigation measures in the Condition Compliance and Mitigation Monitoring Reporting Plan, all of which will be incorporated into the project and are enforceable by agencies other than LAFCO.

Section 7. No additional CEQA documentation is required at this time to support this amendment to the City of Greenfield's Sphere of Influence based upon the findings set forth above.

Section 8. In determining the Sphere of Influence of the City of Greenfield the Commission, in accord with Section 56425(e) of the Government Code, has considered and prepared a written statement of its determinations with respect to each of the following:

- a. *The present and planned land uses in the area, including agricultural and open-space lands.*

The proposed expansion of the Sphere of Influence includes approximately 1420 acres according to the City's proposal. Approximately 1,305 acres of this area is defined as important farmland according to the California State Department of Conservation Important Farmland Map (DOC 2002). Nearly all of the 1,305 acres is considered prime according to the DOC 2002 map [EIR for the General Plan]. The City estimates that there are approximately 40 existing residences in this area. The existing land use designation and zoning for this unincorporated land allows for farmland with a minimum parcel size of 40 acres.

The proposed land uses in the area are shown in the following chart within the City's proposal:

City of Greenfield Proposed Future Land Use Acreage

Updated December 18, 2006

Land Use - Overlay	Proposed Expanded SOI (Acres)	Total (Acres)
Residential Estate	69.09	69.09
Residential Estate - Reserve	95.68	95.68
Low Density Residential	159.35	570.50
Low Density Residential - Reserve	42.13	42.13
Medium Density Residential	17.95	294.02
Medium Density Residential - Reserve	43.17	43.17
High Density Residential	0.00	20.10
Neighborhood Commercial Center	5.08	7.40
Downtown Commercial - Mixed Use	0.00	22.61
Downtown Commercial - Mixed Use - Gateway	0.00	10.86
Highway Commercial - Mixed Use	0.00	5.93
Highway Commercial - Mixed Use - Gateway	87.00	100.11
Highway Commercial -Regional Commercial Center Design	80.01	153.49
Professional Office - Mixed Use	0.00	22.44
Artisan Agricultural and Visitor Serving	205.38	205.38
Artisan Agricultural and Visitor Serving - Gateway	0.00	113.39
Artisan Agricultural and Visitor Serving - Reserve	107.77	107.77
Light Industrial	32.70	39.32
Light Industrial - Industrial Park	0.00	89.98
Heavy Industrial	107.30	207.30
Public Quasi Public	63.2	264.54
Recreation and Open Space	30.00	58.07
TOTAL	1,145.81	2,543.28

- This Table is based on General Plan Table 2-5, Land Use Diagram Acreages (with Overlay Designations), adjusted for the South End GPA Project, City-Initiated GPA, and recent annexation activity since approval (CHISPA/Award Homes Annexation).

- Acreages are approximate based on source of data.

- b. *The present and probable need for public facilities and services in the area and*
- c. *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.*

The Formation Commission approved the Municipal Services Review (MSR) for the South/Central Salinas Valley on July 24, 2006. This MSR describes Greenfield, and the other Salinas Valley cities as preparing for substantial population growth. This preparation, as shown in the City-approved General Plan and the current request for an amendment to the Sphere of Influence, is to a large extent driven by projections of population and employment increases. Population projections of the Association of Monterey Bay Area Governments (AMBAG) show the City increasing by 80% between

2005 and 2025 to 27,183. AMBAG employment projections increase more rapidly over this same twenty-year period from 1,883 jobs to 5,976, which is an increase of 217%.

According to the MSR the City's infrastructure system has been developed to support the area within the Greenfield General Plan. Infrastructure expansion and improvements are guided by the Water, Sewer, Traffic and Police Master Plans that are regularly updated to ensure the City is able to provide sufficient levels of service.

The City of Greenfield Public Works Department is responsible for water supply and delivery in the City of Greenfield. The City currently utilizes local groundwater as its sole source of water supply. The current total potable water demand in Greenfield is 4.7 acre-feet per day, or 1,716 acre-feet annually (AFA). The City currently has capacity to serve 18.34 acre-feet per day, which equates to a total annual capacity of 6,694 AFA. The water quality of the primary wells is good and currently meets all regulatory standards.

The current capacity of the City of Greenfield Wastewater Treatment Plant (WWTP) is 1.0 million gallons per day. The WWTP has reached and exceeded 90 percent of its capacity. The plant provides treatment and disposal of sanitary wastewater contributed by the residents of the City. With the existing facility operating at almost 90 percent of capacity, the City of Greenfield is in the process of implementing the 2005 Wastewater Treatment Plant Expansion, which would result in a doubling of capacity from 1.0 million gallons a day (MGD) to 2.0 MGD.

Overall the MSR concludes that the City's current situation is one where an investment in public service needs is ongoing due to the increases in City population, and consequently, the demand for services. Facilities and staff are being expanded to adequately handle the additional population.

- d. *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.*

There are no social or economic communities of interest that will be affected by the proposed update of the Greenfield Sphere of Influence.

Greenfield is a small Salinas Valley city with a population of 12,583 in the 2000 federal census. The city has a lower median household income than the County as a whole: \$37,602 compared to \$48,305 for the County as a whole according to the 2000 census, although the average household is larger than the County as a whole (4.75 people to 3.14). The proportion of the population who ancestry is Mexican, Hispanic or other Latin American is 87% compared to 45% for the County as a whole.

Section 9. In accord with Government Code Section 56426.5 the Commission finds that the inclusion of Assessor's Parcel Numbers 109-281-012 and 109-281-013 within the City of Greenfield's Sphere of Influence will facilitate planned, orderly, and efficient patterns of land use or provision of services, and the public interest in the change substantially outweighs the public interest in the current continuation of the contract beyond its current expiration date. The

evidence for this finding is the location of this property in a direction of growth that is away from the largest concentration of Class II land as classified by the National Resource Conservation Service and that this land will be utilized for the development of needed medium density housing.

Section 10. *Comments of affected local agencies.*

Comments from local agencies contacted through the LAFCO referral process contributed comments which were reviewed in the Executive Officer's Report for the proposal and considered by the Commission in the conditioning and approval of this proposal. Comments were received from the following agencies:

- a. Association of Monterey Bay Area Governments
- b. Monterey Bay Unified Air Pollution Control District
- c. Monterey County Department of Health
- d. Monterey County Emergency Services Manager
- e. Monterey County Resource Management Agency (including comments from the Agricultural Commissioner, the Planning Department, the Public Works Department and Monterey County Parks)
- f. Monterey County, Office of the Sheriff
- g. Monterey County Agricultural and Historical Land Conservancy, Inc.
- h. Monterey-Salinas Transit
- i. Transportation Agency for Monterey County

Section 11. Said proposal is approved subject to the following terms and conditions:

- a. Prior to the annexation of any property within the City's Sphere of Influence, the City shall enter into a Memorandum of Understanding (MOU) with LAFCO mitigating the conversion of agricultural land to urban uses. Without limitation, except as provided under State law, the mitigation contained in the MOU could include the requirement of acquisition and transfer of ownership of agricultural land, or conservation easements, or the payment of in-lieu fees to an agricultural conservation entity to compensate for the loss of agricultural land;
- b. In accord with the April 9, 2003 Memorandum of Understanding²¹ (MOU) entered into between the City and LAFCO, and the City of Greenfield's General Plan Program 2.6.D, the City shall enter into a Memorandum of Understanding (MOU) with LAFCO specifying the size and time duration of adequate buffers on all other areas where urban uses are planned adjacent to agricultural uses. This MOU shall be in place prior to the approval of any annexation within the expanded Sphere of Influence. Consideration shall be made in this MOU for both permanent and temporary buffers between urban and agricultural uses.
- c. All future annexations to the City shall mitigate regional traffic impacts by monetary contribution to a regional transportation improvement fund as established by the Transportation Agency of Monterey County or otherwise as required by LAFCO and City policies;

²¹ This MOU was entered into pursuant to a requirement of LAFCO Resolution 02-08 for the "Gianolini Reorganization" (LAFCO File No. 02-03).

- d. All future annexations to the City shall demonstrate that subsequent urban development within these annexations include a planned well-ordered, efficient urban development pattern with mixed uses and mixed densities as required by LAFCO policies and the City of Greenfield General Plan;
- e. All future annexations to the City shall demonstrate that adequate public facilities and services will be provided as required by LAFCO policies and the Greenfield General Plan; and
- f. In accordance with LAFCO policies, areas within the approved Sphere of Influence that are designated with a "Reserve" overlay in the City of Greenfield General Plan shall be designated as "Urban Transition Areas," defined as areas not programmed for urban facilities or utility extensions within the next five years. Areas within the proposed Sphere of Influence that are not being approved in this action shall be designated as "Future Study Areas."

Section 12. The applicant agrees as a condition of the approval of this application to defend at its sole expense any action brought against LAFCO, the Commission and its staff, because of the approval of this application. The applicant will reimburse LAFCO for any court costs and attorneys' fees which may be required by a court to pay as a result of such action. LAFCO may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve applicant of his obligations under this condition. The obligation on the part of the applicant to indemnify LAFCO is effective upon the adoption of this resolution and does not require any further action.

Section 13. The boundaries of the territory proposed to be added to the Sphere of Influence of the City of Greenfield, and the areas to be designated as "Urban Transition Areas" and "Future Study Areas," are hereby approved as described in Exhibit "1" attached hereto and made a part hereof.

UPON MOTION of Commissioner _____, seconded by Commissioner _____, the foregoing resolution is adopted this 8th day of January, 2007, by the following vote:

AYES:
NOES:
ABSTAIN:

ATTEST:

I certify that the within instrument is a true and complete copy of the original resolution of said Commission on file within this office.

Witness my hand this 8th day of January, 2007

By: _____
Kate McKenna, AICP, Executive Officer

Exhibit A.1
LAFCO-Approved Sphere of Influence
City of Greenfield

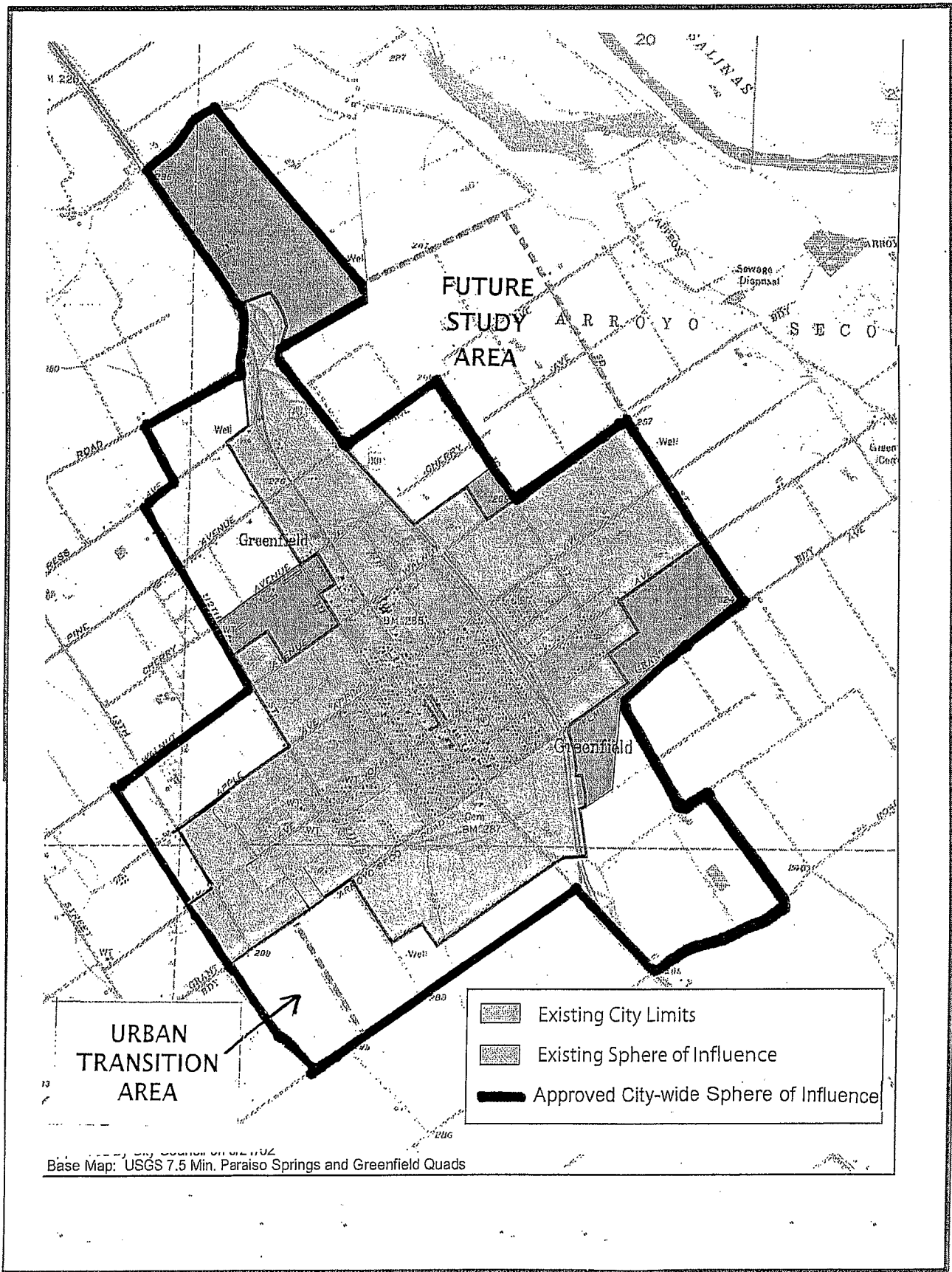


Exhibit A.2 To Resolution (LAFCO File No. 06-10)

**Selected Sections from the
Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000**

**PART 2. LOCAL AGENCY FORMATION
COMMISSION**

CHAPTER 1. GENERAL

Purposes of commission

56301. Among the purposes of a commission are discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances. One of the objects of the commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local agencies in each county and to shape the development of local agencies so as to advantageously provide for the present and future needs of each county and its communities. When the formation of a new government entity is proposed, a

Determination for new agencies

commission shall
make a determination as to whether existing agencies
can feasibly provide the needed service or services in
a more efficient and accountable manner. If a new
single-purpose agency is deemed necessary, the
commission shall consider reorganization with other
single-purpose agencies that provide related services.
(Amended by Stats. 2000, Ch. 761.)

CHAPTER 3. POWERS

LAFCO powers and duties

To review and approve, conditionally approve, modify, or disapprove proposals; to initiate reorganization

To initiate certain proceedings

Disapproval limitation

56375. The commission shall have all of the following powers and duties subject to any limitations upon its jurisdiction set forth in this part:

(a) To review and approve or disapprove with or without amendment, wholly, partially, or conditionally, proposals for changes of organization or reorganization, consistent with written policies, procedures, and guidelines adopted by the commission. The commission may initiate proposals for (1) consolidation of districts, as defined in Section 56036, (2) dissolution, (3) merger, or (4) establishment of a subsidiary district, or a reorganization that includes any of these changes of organization. A commission shall have the authority to initiate only a (1) consolidation of districts, (2) dissolution, (3) merger, (4) establishment of a subsidiary district, or (5) a reorganization that includes any of these changes of organization, if that change of organization or reorganization is consistent with a recommendation or conclusion of a study prepared pursuant to Section 56378, 56425, or 56430 and the commission makes the determinations specified in subdivision (b) of Section 56881. However, a commission shall not have the power to disapprove an annexation to a city, initiated by resolution, of contiguous territory that the commission finds is any of the following:

(1) Surrounded or substantially surrounded by the city to which the annexation is proposed or by that city and a county boundary or the Pacific Ocean if the territory to be annexed is substantially developed or developing, is not prime agricultural land as defined in Section 56064, is designated for urban growth by the general plan of the annexing city, and is not within the sphere of influence of another city.

(2) Located within an urban service area that has been delineated and adopted by a commission, which is not prime agricultural land, as defined by Section 56064, and is designated for urban growth by the general plan of the annexing city.

Conditions regulating
land use prohibited

Prezoning requirement

(3) An annexation or reorganization of unincorporated islands meeting the requirements of Section 56375.3.

As a condition to the annexation of an area that is surrounded, or substantially surrounded, by the city to which the annexation is proposed, the commission may require, where consistent with the purposes of this division, that the annexation include the entire island of surrounded, or substantially surrounded, territory.

A commission shall not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements. When the development purposes are not made known to the annexing city, the annexation shall be reviewed on the basis of the adopted plans and policies of the annexing city or county. A commission shall require, as a condition to annexation, that a city prezone the territory to be annexed or present evidence satisfactory to the commission that the existing development entitlements on the territory are vested or are already at buildout, and are consistent with the city's general plan. However, the commission shall not specify how, or in what manner, the territory shall be prezoned. The decision of the commission with regard to a proposal to annex territory to a city shall be based upon the general plan and prezoning of the city.

CHAPTER 4. SPHERES OF INFLUENCE

Purpose and policies

56425. (a) In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the county and its communities, the commission shall develop and determine the sphere of influence of each local governmental agency within the county and enact policies designed to promote the logical and orderly development of areas within the sphere.

City-county meeting and agreement

(b) At least 30 days prior to submitting an application to the commission for a determination of a new sphere of influence, or to update an existing sphere of influence for a city, representatives from the city shall meet with county representatives to discuss the proposed sphere, and its boundaries, and explore methods to reach agreement on the boundaries, development standards, and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly

Time period and extension

development of areas within the sphere. If no agreement is reached between the city and county within 30 days, then the parties may, by mutual agreement, extend discussions for an additional period of 30 days. If an agreement is reached between the city and county regarding the boundaries, development standards, and zoning requirements within the proposed sphere, the agreement shall be forwarded to the commission, and the commission shall consider and adopt a sphere of influence for the city consistent with the policies adopted by the commission pursuant to this section, and the

Commission to give great weight to agreement

commission shall give great weight to the agreement in the commission's final determination of the city

Agreement adopted; consistency

Review without agreement

Review and update not less
than every five years

Recommended reorganizations

sphere.

(c) If the commission's final determination is consistent with the agreement reached between the city and county pursuant to subdivision (b), the agreement shall be adopted by both the city and county after a noticed public hearing. Once the agreement has been adopted by the affected local agencies and their respective general plans reflect that agreement, then any development approved by the county within the sphere shall be consistent with the terms of that agreement.

(d) If no agreement is reached pursuant to subdivision (b), the application may be submitted to the commission and the commission shall consider a sphere of influence for the city consistent with the policies adopted by the commission pursuant to this section.

(e) In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following:

(1) The present and planned land uses in the area, including agricultural and open-space lands.

(2) The present and probable need for public facilities and services in the area.

(3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.

(f) Upon determination of a sphere of influence, the commission shall adopt that sphere * * *.

(g) On or before January 1, 2008, and every five years thereafter, the commission shall, as necessary, review and update each sphere of influence.

(h) The commission may recommend governmental reorganizations to particular agencies in the county, using the spheres of influence as the basis for those recommendations. Those recommendations shall be made available, upon request, to other agencies or to the public. The commission shall make all reasonable efforts to ensure wide public dissemination of the recommendations.

District sphere requirements; written statements; special district functions and services; latent powers

(i) When adopting, amending, or updating a sphere of influence for a special district, the commission shall do all of the following:

(1) Require existing districts to file written statements with the commission specifying the functions or classes of services provided by those districts.

New or different services approved by commission

(2) Establish the nature, location, and extent of any functions or classes of services provided by existing districts.

(i) Subdivisions (b), (c), and (d) and shall become inoperative as of January 1, 2007, unless a later enacted statute, that becomes operative on or before January 1, 2007, deletes or extends that date.

(Amended by Stats. 2000, Ch. 129, effective July 14, 2000; Stats. 2000, Ch. 761; Stats. 2001, Ch. 667; Stats. 2005, Ch. 347.)

Application to redevelopment project area

56425.5. (a) A determination of a city's sphere of influence, in any case where that sphere of influence includes any portion of the redevelopment project area referenced in subdivision (e) of Section 33492.41 of the Health and Safety Code, shall not preclude any other local agency, as defined in Section 54951, including the redevelopment agency referenced in Section 33492.41 of the Health and Safety Code, in addition to that city, from providing facilities or services related to development, as defined in subdivision (e) of Section 56426, to or in that portion of the redevelopment project area that, as of January 1, 2000, meets all of the following requirements:

(1) Is unincorporated territory.

(2) Contains at least 100 acres.

(3) Is surrounded or substantially surrounded by incorporated territory.

(4) Contains at least 100 acres zoned for commercial or industrial uses or is designated on the applicable county general plan for commercial or industrial uses.

(b) Facilities or services related to development may be provided by other local agencies to all or any portion of the area defined in paragraphs (1) to (4), inclusive, of subdivision (a). Subdivision (a) shall apply regardless of whether the determination of the

sphere of influence is made before or after January 1, 2000.

(Added by Stats. 2000, Ch. 761.)

**Sphere of influence;
farmland security zones**

56426. The commission shall not approve or conditionally approve a change to the sphere of influence of a local government agency of territory that is subject to a farmland security zone contract pursuant to Article 7 (commencing with Section 51296) of Chapter 7 of Part 1 of Division 1, if that local government agency provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads to the territory, unless these facilities or services benefit land uses that are allowed under the contract and the landowner consents to the change to the sphere of influence.

(Added by Stats. 2002, Ch. 614.)

**Sphere of influence of proposed
or newly incorporated city**

56426.5. (a) Beginning January 1, 1990, at the time a commission approves a proposal for an incorporation or a reorganization which includes an incorporation, the commission may determine the sphere of influence for the proposed new city. Except as provided in subdivision (b), the commission shall determine the sphere of influence for any newly incorporated city within one year of the effective date of incorporation.

(b) The commission shall determine the sphere of influence for any newly incorporated city, the proposal for which was approved by the commission before January 1, 1990, by January 1, 1991.

**Change to sphere of influence;
land subject to Williamson Act**

56426.5. (a) The commission shall not approve a change to the sphere of influence of a local government agency of territory that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1) if that local government agency provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads to the territory, unless these facilities or services benefit land uses that are allowed under the contract and the landowner consents to the change to the sphere of influence.

(b) Notwithstanding subdivision (a), the commission may nevertheless approve a change for that territory if it finds either of the following:

(1) That the change would facilitate planned, orderly, and efficient patterns of land use or provision of services, and the public interest in the change substantially outweighs the public interest in the current continuation of the contract beyond its current expiration date.

(2) That the change is not likely to adversely affect the continuation of the contract beyond its current expiration date.

In making this determination, the commission shall consider all of the following:

(A) The policies and implementation measures adopted by the city or county that would administer the contract both before and after any ultimate annexation, relative to the continuation of agriculture or other uses allowable under the contract.

(B) The infrastructure plans of the annexing agency.

(C) Other factors that the commission deems relevant.

(c) This section shall not apply to any of the following:

(1) Territory that is subject to a contract for which a notice of nonrenewal has been served pursuant to Section 51245.

(2) Territory that is subject to a contract for which a tentative cancellation has been approved pursuant to Section 51282.

(3) Territory for which the governing body of the county or city administering the contract has given its written approval to the change and the landowner consents to the change.

(Added by Stats. 2002, Ch. 614.)

Spheres of influence adoption
and amendment; notice,
hearing, continuance

56427. The commission shall adopt, amend, or revise spheres of influence after a public hearing called and held for that purpose. At least 21 days prior to the date of that hearing, the executive officer shall give mailed notice of the hearing to each affected local agency or affected county, and to any interested party who has filed a written request for notice with the executive officer. In addition, at least 21 days prior to the date of that hearing, the

executive officer shall cause notice of the hearing to be published in accordance with Section 56153 in a newspaper of general circulation which is circulated within the territory affected by the sphere of influence proposed to be adopted. The commission may continue from time to time any hearing called pursuant to this section.

At any hearing called and held pursuant to this section, the commission shall hear and consider oral or written testimony presented by any affected local agency or affected county or any interested person who wishes to appear.

This section shall only apply to spheres of influence adopted by the commission after January 1, 1975.

(Amended by Stats. 2002, Ch. 548.)

**Request for amendment of
sphere of influence**

56428. (a) Any person or local agency may file a written request with the executive officer requesting amendments to a sphere of influence or urban service area adopted by the commission. The request shall state the nature of the proposed amendment, state the reasons for the request, include a map of the proposed amendment, and contain any additional data and information as may be required by the executive officer.

CEQA; notice

(b) After complying with the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code, the executive officer shall place the request on the agenda of the next meeting of the commission for which notice can be given. The executive officer shall give notice in the manner provided by Section 56427. On the date and time provided in the notice, the commission may do either of the following:

(1) Without further notice, consider the amendments to a sphere of influence.

(2) Set a future date for the hearing on the request.

Report and recommendation

(c) The executive officer shall review each requested amendment and prepare a report and recommendation. The report shall be completed not less than five days before the date specified in the notice of hearing. The executive officer shall send copies of the report to the person or agency making

Hearing

the request, each affected local agency, and each person who has filed a request for a report.

(d) At its meeting, the commission shall consider the request and receive any oral or written testimony. The consideration may be continued from time to time but not to exceed 70 days from the date specified in the original notice. The person or agency which filed the request may withdraw it at any time prior to the conclusion of the consideration by the commission.

Determinations and decision

(e) At the conclusion of its consideration, the commission may approve or disapprove with or without amendment, wholly, partially, or conditionally, the request. The commission shall follow the procedures in Section 56425.

Fee

(f) The commission may require the person or agency making a request pursuant to this section to pay a fee to cover the commission's costs. The fee shall not exceed the estimated reasonable cost of providing the service and shall be set pursuant to Section 56383. The commission may waive the fee if it finds that the request can be considered and studied as part of the periodic review of spheres of influence required by Section 56425. In addition, the commission may waive the fee if it finds that payment would be detrimental to the public interest.

(g) The commission and executive officer may review and act on any request to amend a sphere of influence or urban service area concurrently with their review and determination on any related change of organization or reorganization. In case of a conflict between the provisions of this section and any other provisions of this part, the other provisions shall prevail.

Amended by Stats. 2001, Ch. 388.)

Petition for removal from city sphere; hearing; fees

56429. (a) Notwithstanding Sections 56425, 56427, and 56428, a petition for removal of territory from a sphere of influence determination may be brought pursuant to this section by landowners within the redevelopment project area referenced in subdivision (e) of Section 33492.41 of the Health and Safety Code, if, at the time the petition is submitted, the area for which the petition is being requested meets all of the following requirements:

Requirements

Notice and hearing

(1) Is unincorporated territory.
(2) Contains at least 100 acres.
(3) Is surrounded or substantially surrounded by incorporated territory.

(4) Contains at least 100 acres zoned for commercial or industrial uses or is designated on the applicable county general plan for commercial or industrial uses.

(b) On receipt of a petition signed by landowners owning at least 25 percent of the assessed value of the land within the affected territory, the commission shall hear and consider oral or written testimony.

(c) The petition shall be placed on the agenda of the commission in accordance with subdivision (b) of Section 56428.

(d) The executive officer shall give notice of the hearing in accordance with Section 56427.

(e) From the date of filing of the petition to the conclusion of the hearing, the commission shall accept written positions from any owner of land in the unincorporated territory that is seeking removal from a city's sphere of influence.

(f) The petition to remove territory from a city's sphere of influence shall be granted and given immediate effect if the commission finds that written positions filed in favor of the petition and not withdrawn prior to the conclusion of the hearing represent landowners owning 50 percent or more of the assessed value of the land within the affected territory.

(g) No removal of territory from a city's sphere of influence that is proposed by petition and adopted pursuant to this section shall be repealed or amended except by the petition and adoption procedure provided in subdivisions (a) to (f), inclusive. In all other respects, a removal of territory from a city's sphere of influence proposed by petition and adopted pursuant to this section shall have the same force and effect as any amendment to or removal of territory from a city's sphere of influence approved by the commission. No territory removed from a city's sphere of influence pursuant to this section shall be annexed to that city, unless the territory is subsequently added to the sphere of influence of the city pursuant to the petition and adoption procedure provided in this section.

Fees

(h) Pursuant to Section 56383, the commission may establish a schedule of fees for the costs of carrying out this section.

Proponents pay expenses

(i) All proper expenses incurred in connection with removal of territory from a city's sphere of influence pursuant to this section shall be paid by the proponents.

(Added by Stats. 2000, Ch. 129, effective July 14, 2000; amended by Stats. 2000, Ch. 761.)

Service reviews

56430. (a) In order to prepare and to update spheres of influence in accordance with Section 56425, the commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the commission. The commission shall include in the area designated

Geographic area

for service review the county, the region, the subregion, or any other geographic area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following:

Written determinations

- (1) Infrastructure needs or deficiencies.
- (2) Growth and population projections for the affected area.
- (3) Financing constraints and opportunities.
- (4) Cost avoidance opportunities.
- (5) Opportunities for rate restructuring.
- (6) Opportunities for shared facilities.
- (7) Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers.
- (8) Evaluation of management efficiencies.
- (9) Local accountability and governance.

Comprehensive service review

(b) In conducting a service review, the commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area.

Service review with sphere update

(c) The commission shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or Section 56426.5 or to update a sphere of influence pursuant to Section 56425.

**Office of Planning and Research
guidelines**

(d) Not later than July 1, 2001, the Office of Planning and Research, in consultation with commissions, the California Association of Local Agency Formation Commissions, and other local governments, shall prepare guidelines for the service reviews to be conducted by commissions pursuant to this section.

(Added by Stats. 2000, Ch. 761.)

**Services to previously
unserved territory**

56434. (a) The commission may review and approve a proposal that extends services into previously unserved territory within unincorporated areas and may review the creation of new service providers to extend urban type development into previously unserved territory within unincorporated areas to ensure that the proposed extension is consistent with the policies of Sections 56001, 56300, 56301, and the adopted policies of the commission implementing these sections, including promoting orderly development, discouraging urban sprawl, preserving open space and prime agricultural lands, providing housing for persons and families of all incomes, and the efficient extension of governmental services.

(b) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

(Added by Stats. 2000, Ch. 761.)

Standards for the Evaluation of Proposals
(LAFCO of Monterey County, Revised December 1992)

MONTEREY COUNTY

LOCAL AGENCY FORMATION COMMISSION

(831) 755-5065 P.O. BOX 180, SALINAS, CALIFORNIA 93902

NICHOLAS E. CHIULOS
EXECUTIVE OFFICER

STANDARDS FOR THE EVALUATION OF PROPOSALS

Introduction

The Monterey County Local Agency Formation Commission (LAFCO) operates pursuant to the Cortese-Knox Local Government Reorganization Act of 1985 (California Government Code, Section 56000 et seq.). Among the purposes of the Commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies based upon local circumstances and conditions.

State law provides that the Commission may adopt standards for the evaluation of proposals. The primary purpose of standards is to identify issues and requirements associated with boundary change proposals to promote achievement of LAFCO goals and objectives. Standards also promote a rational and consistent process of review, which can be applied to all proposals. It should be noted that no one standard is of paramount importance nor is universally absolute. Because local circumstances and conditions vary, the Commission must consider the facts in evidence as they relate to all standards.

California Government Code Section 56375 provides that standards may be based on any of the factors enumerated in Section 56891 as follows:

- a. Population, population density; land area and land use; per capital assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area and in adjacent incorporated and unincorporated areas during the next ten years.
- b. Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. ~Services, n as used in this subdivision, refers ~to governmental services whether or not the services are services which would be provided by local agencies subject to this division and includes the public facilities necessary to provide those services.
- c. The effect of the proposed action and of alternative actions on adjacent areas, on mutual social and economic interest, and on the local governmental structure of the County.
- d. The conformity of both the proposal and its anticipated effects with both the adopted Commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.
- e. The effect of the proposal on maintaining the physical and economic integrity of agricultural land, as defined by Section 56016.

- f. The definiteness and certainty of the boundaries of the territory, the non-conformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.
- g. Consistency with city or county general and specific plans.
- h. The sphere of influence of any local agency which may be applicable to the proposal being reviewed.
- i. The comments of any affected local agency.

The following report lists the Monterey County Local Agency Formation Commission's Standards for the Evaluation of Proposals. The standards have been organized to correspond to the major policies of the Commission including Boundaries, Duplication of Service Functions, Conformity with Planning Documents, Spheres of Influence, Environmental Impacts, Economics, Services, Phasing, Open Space, and Agricultural Land. The citation following each standard references the related State factor.

Determination of Boundaries

1. Definite and certain maps and legal descriptions must be filed as part of an application for a boundary change proposal. All maps and legal descriptions must comply with the following LAFCO and State Board of Equalization requirements (Section 56841f).

Map:

- a. Every map shall bear a north point, graphic scale, date, title, or short-term designation and the name(s) of the affected agency or agencies.
- b. Every map must clearly indicate all existing streets, roads, and highways within and adjacent to the subject territory, together with the current names of the thoroughfares.
- c. Maps must not be drawn on paper less than 8 1/2" by 11" or larger than 24" by 36." One map, 8 1/2" by 11" must be submitted.
- d. Every map shall include a regional location vicinity map showing its relationship to the local agency to which annexation to or detachment from is proposed. The boundaries of the existing district or city (if applicable) and the proposed boundary must be distinctively shown without obliterating any essential geographic or political features.
- e. The point of beginning of the legal description must be shown on the map. The boundaries of the subject territory must be distinctively shown on the map without obliterating any essential geographic or political features. The use of yellow lines to highlight the boundaries is urged, as the color photographs a light gray.
- f. All maps must be prepared by a registered civil engineer or licensed land surveyor. Rough sketches of maps or plans will not be accepted.
- g. The computed or estimated acreage shall be set forth in the legal description or on the map.
- h. Bearings and distances must be shown on all lines. If the scale of the map is such that it is impractical to letter adjacent to or near the line, then a table may be used and the course designated by a number or a series of inclusive numbers. The table should appear on the same sheet as the map.

Legal Description

- a. The description must be headed with the date, title, or short-term designation of the proposal, and the name of the affected agency or agencies.
 - b. Every description must be self-sufficient within itself and without the necessity of reference to any extraneous document. When a description refers to a deed of record, the deed should be used only as a secondary call.
 - c. When writing a metes and bounds description of a contiguous annexation, all details of the contiguous portion(s) of the boundary should be omitted. The junction points between the proposed boundary and the existing boundary must be clearly established.
 - d. A description making reference only to a subdivision or a lot within a subdivision or similar references without actually describing the perimeter boundary of the subject area is not acceptable.
 - e. The description must describe only the subject area. Descriptions of larger areas with exceptions are not acceptable unless the exception is an "island" totally surrounded by land proposed for annexation.
 - f. A specific parcel description in sectionalized land (e.g. the SW1/4 of Section 22, T1N, R1W) is permissible without a metes and bounds description of the perimeter boundary.
2. To the greatest possible extent, boundaries should follow existing political boundaries and natural or man-made features such as rivers, lakes, railroad tracks, and freeways. Where boundaries do not meet this standard, the proponent shall justify the reasons for non-conformance (Section 56841 a, f).
 3. Boundaries should not be drawn so as to create an island, corridor, or strip either within the proposed territory or immediately adjacent to it. Where such an island, corridor, or strip is created, the proponent shall justify the reasons for non-conformance with this standard (Section 56841 d).
 4. Whenever practicable, boundary lines of areas proposed to be annexed to cities and/or districts shall be located so that all streets and rights-of-way will be placed within the same jurisdiction as the properties which abut thereon and/or for the benefit of which such streets and rights-of-way are intended (section 56841 d).
 5. The creation of boundaries that divide assessment parcels should be avoided whenever possible. Where such division occurs, the proponents shall justify to the Commission the necessity for such division (Section 56841 d).
 6. Boundaries should avoid dividing an existing identifiable community, commercial district, or any other area having social or economic homogeneity. Where such division occurs, the proponents shall justify the reasons for non-conformance to this standard (Section 56841 c).
 7. The following guidelines related to road right-of-way apply to all proposals submitted to the Commission (Section 56841 f).
 - a. The following should not be allowed:
 - (1) City limits which include a portion of the road right-of-way.
 - (2) Road islands of county maintained roads.

(3) Islands of road caused by annexation on both sides.

(4) Strip annexation of roads.

*b. In the following cases where the road is the boundary and is a major County arterial, the street or road should be retained by the County. These roads would not have direct access from the property:

(1) Roads which carry through traffic.

(2) Planned development by developer or city which provides limited access and protects the capacity of

*Note: Each case should be considered on its own merit.

c. The following should be annexed to the city. These roads would have direct access to the annexing property and would serve the residents of the property:

(1) Minor or local roads.

(2) When the street will be used for the city sewer lines, water lines, or storm drains.

(3) Piece-meal development by developer causing difficult coordination between two or more agencies.

(4) Where the annexation will complicate drainage or traffic control.

8. Where feasible, city and related district boundary changes should occur concurrently to avoid an irregular pattern of boundaries (Section 56841 b).

9. Should the Commission modify the boundaries of a proposal, LAFCO may condition the proposal on the proponent preparing a new boundary description which conforms with LAFCO and State Board of Equalization requirements (Section 56841 f).

10. Boundaries should reasonably include all territory which would reasonably benefit from agency services (Section 56841 b).

Duplication of Authority to Perform Similar Functions

1. Proposals, where feasible, should minimize the number of local agencies and promote the use of multi-purpose agencies (Section 56841 b, c).

2. The effect of the approval of a proposal, which would result in two or more districts or a city and a district possessing any common territory, the authority to perform the same, or similar functions shall be considered by the Commission. The views of the governing body of the city or special district possessing authority to perform the same or similar function in the subject territory should be made known to the Commission. Proponents must justify the need for boundary change proposals, which result in duplication of authority to perform similar functions (Section 56841 b, c).

Conformance with City or County General and Specific Plans

1. Each proposal should be consistent with the appropriate city or county general and specific plans. Where the proposal does not abide by these plans, the proponent shall specify the reasons for plan non-conformance. (Section 56841 g).
2. Pursuant to Section 56375 of the Government Code, for proposals involving city annexations, the LAFCO Executive Officer shall not file a Certificate of Filing, which acknowledges that an application is complete, until the city has completed a rezoning process for the subject property in a manner consistent with the city's general or specific plan (Section 56841 g).

Spheres of Influence

1. Proposals shall be consistent with the spheres of influence for the local agencies affected by those determinations (Section 56377.5 and 56841 h).
2. In the case of agency formations, the Commission shall determine a sphere of influence within one year from the effective date of the proposal (Section 56841 h).
3. With the exception of agency formations, the Commission shall adopt a sphere for affected agencies prior to consideration of related boundary change proposals (Section 56841 h).
4. When a proposal is inconsistent with the adopted sphere of influence, the applicant shall justify reasons for amending the sphere of influence. An annexation application for land outside an adopted sphere of influence may be considered concurrently with a request for amendment to the sphere of influence (Section 56841 h).
5. Proposals involving changes of organization or reorganization affecting city boundaries shall comply with the Urban Service Area and Urban Transition Area designations. An Urban Service Area consists of existing developed and undeveloped land within an agency's sphere of influence, which is now served by existing urban facilities, utilities, and services or is proposed to be served within five years. An Urban Transition Area is an area within the sphere of influence boundaries of a city which is not programmed for urban facilities or utility extensions within the next five years. The Urban Transition Area will most likely be used for urban expansion within 5 to 20 years (Section 56841 h).
6. Pursuant to Government Code Section 56375 (a) (2), the Commission shall not have the power to disapprove an annexation to a city, initiated by resolution, of contiguous territory which the Commission finds is located within an Urban Service Area delineated and adopted by the Commission, which is not prime agricultural land, as defined by Section 56064, and is designated for urban growth by the general plan of the annexing city (Section 56841 h).

Environmental Impact Assessment

1. In January 1975, in the *Bozung Case*, the California Supreme Court held that LAFCOs are subject to the terms of the California Environmental Quality Act (CEQA) and the regulations of the California Resource Agency, which establishes the guidelines for its implementation. All environmental factors introduced by the proposal shall be considered as outlined in the "Monterey County Local Agency Formation Commission Guidelines for Implementation of the California Environmental Quality Act" and CEQA.
2. The potential environmental impacts of proposals involving changes of organization or reorganization shall be reviewed by LAFCO environmental staff and the appropriate environmental determination shall be considered

by the Commission in accordance with the LAFCO Regulations and Procedures for the Implementation of the California Environmental Quality Act of 1970.

Economics, Service Delivery, and Development Patterns

1. If a proposal is for the formation of a new agency, the application shall include a service plan demonstrating the economic feasibility of the proposed formation (Section 56841 a, b, c).
2. The Commission shall discourage proposals that would have adverse financial impacts on the provision of governmental services or would create a relatively low revenue base in relationship to the cost of affected services. Applications shall describe related service and financial impacts (including revenues and expenditures) on the County, cities, and/or special districts and provide feasible measures which would mitigate such adverse impacts (Section 56841 a, b, c).
3. Applications must address current and ultimate service needs as established by the appropriate land use plans and rezoning. Proposals shall not be approved unless a demonstrated need for additional service exists or will soon exist. In reviewing boundary change proposals, the Commission shall consider alternative government structure options which may be more appropriate in light of the demonstrated need for service. The formation of or annexation to a single governmental agency, rather than several limited purpose agencies, shall be encouraged when possible (Section 56841 a, b).
4. Applications must indicate that the affected agencies have the capability to provide service. Territory shall be annexed to a city or special district only if such agency has or soon will have the capability to provide service (Section 56841 b).
5. Whenever a local agency submits a resolution of application for a change of organization or reorganization, the local agency shall submit with the resolution of application a plan for providing services within the affected territory. The plan for providing services shall include all of the following information (Section 56653):
 - a. An enumeration and description of the services to be extended to the affected territory.
 - b. The level and range of those services.
 - c. An indication of when those services can feasibly be extended to the affected territory.
 - d. An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
 - e. Any conditions which would be imposed or required within the affected territory such as, but not limited to, improvement or upgrading of structures, roads, and sewer or water facilities.
 - f. A description of how such services and improvements will be financed (Section 56653).

A plan for providing services may consist of:

- a. A master plan for providing services throughout all or a portion of a city sphere of influence for use in evaluating all proposals affecting the area covered in the master plan.
- b. A proposal-specific supplement which updates and/or provides a higher level of detail than is contained within the master plan for services. Such supplement may include by reference or in summary form those

pertinent sections of the master plan for services which remain valid. The supplement need discuss in detail only that information which is not current or discussed in sufficient detail in the master plan for services.

6. The Commission discourages proposals which will facilitate development that is not in the public interest due to topography, isolation from existing developments, premature intrusion of urban-type developments into a predominantly agricultural area, or other pertinent economic or social reason (Section 56841 a).
7. The Commission shall consider the testimony from all potentially affected agencies or individuals in reviewing boundary change proposals. Proposals submitted by resolution of application shall include information indicating that landowners in the affected area support the proposal (Section 56841 i).
8. An application for incorporation of a new city shall be supplemented by sufficient information to enable the Commission to determine (Section 56841 a,b,c):
 - a. The long-term fiscal feasibility of the new city. A five-year service plan including revenue projections shall be required of all incorporation proposals.
 - b. The existing and projected population base in the affected area warrants urban-type services.
 - c. The service and financial impacts on all potentially affected agencies, including existing cities, districts, and the County.
 - d. The proposal territory includes the entire area that would reasonably benefit from city services and would not logically be more appropriate for annexation to an existing city.
9. A city application for annexation of an unincorporated island without an election shall, in addition to the plan for providing services, be supplemented by sufficient information to enable the Commission to determine within the affected territory:
 - a. The total acreage of the unincorporated island and the boundaries of all cities and/or counties and, if applicable, the Pacific Ocean, which border thereon.
 - b. The presence or absence of prime agricultural land as defined in Sections 56064 of the Cortese-Knox Local Government Reorganization Act.
 - c. The availability of public utility services.
 - d. The presence of public improvements.
 - e. The presence or absence of physical improvements upon each parcel.
 - f. The benefits from such annexation or the benefits now being received from the annexing city.

Phasing

1. The Commission, in furtherance of its objectives of preserving prime agricultural land, containing urban sprawl, and in providing a reasonable assurance of a city/district's ability to provide services shall consider the appropriateness of phasing annexation proposals which include territory that is not within a city/district's urban service area and has an expected build-out over a period longer than five to seven years (Section 56841 a, b, e).

2. Change of organization and reorganization proposals which are totally within a city or district's adopted urban service area shall not be considered appropriate for phasing. Urban service areas are, by definition, territory expected to be developed/serviced in the next five years (Section 56841 a, b, c).
3. Proposals which contain territory which is not within a city or district's adopted urban service area and have an expected build-out extending beyond a five- to seven-year period may be considered appropriate for phasing. For the purpose of this policy, "phasing" shall be defined as a planned incremental approval of a project and "building-out" shall be interpreted as 70 to 80 percent developed. When an exception from this policy is desired, the proponent shall justify to the Commission the reasons why phasing is not appropriate. Included within the justification for exception, the proponent shall demonstrate the jurisdiction's ability to provide necessary public services (Section 56841 a, b, e).

Open Space and Agricultural Land

1. This Commission, through its actions, desires to maintain the physical and economic integrity of land in an agricultural preserve as may be established by either the Board of Supervisors of Monterey County or a city council within the County (Section 56841 e).
2. This Commission will attempt to guide the provision of governmental services and development to areas other than those classified as prime agricultural land as defined in Section 56064 of the Government Code, except where such development would promote the planned, orderly, and efficient development of that area (Sections 56377 a and 56841 e).
3. This Commission encourages and will assist to implement the development of existing vacant or non-prime agricultural land for urban uses within an agency's existing jurisdiction or within the agency's sphere of influence before it will consider with favor or will approve any proposal which would allow for or lead to the development of existing open space land for non-open space uses which are outside of the agency's existing jurisdiction or outside of an agency's existing sphere of influence (Section 56377 b and 56841 e).
4. It is the policy of this Commission to encourage and to seek to provide for planned, well-ordered, efficient urban development patterns while at the same time remaining cognizant of the need to give appropriate consideration to the preservation of open space land within such patterns (Section 56300).
5. In determining whether a boundary change proposal may affect prime land, the Commission shall apply the definition of "prime agricultural land" established under the Cortese-Knox Local Government Reorganization Act Section 56064.
6. Boundary Changes proposals which would allow or likely lead to the conversion of prime agricultural land or other open space land to other than open space uses shall be discouraged by the Commission unless such an action would promote the planned, orderly, efficient development of an area, or the affected land use planning jurisdiction has accomplished the following:
 - a. Identified within its sphere of influence all "prime agricultural land" as defined under Government Code Section 56064.
 - b. Demonstrated to LAFCO that effective measures have been adopted to preserve for agricultural use prime agricultural land identified in (a). Such measures may include, but not be limited to, establishing agricultural preserves pursuant to the California Land Conservation Act; designating land for agricultural or other open space uses on that jurisdiction's general plan, adopted growth management plan, or applicable specific plan; adopting an agricultural element to its general plan; and undertaking public acquisition of prime agricultural land for the purpose of leasing back such land for agricultural use.

- c. Prezoned pursuant to Government Code Section 56375 (a) (2), both territory within the agency's general planning area to be maintained for agricultural use and also territory within the annexation area to indicate anticipated level of development.
7. In reviewing a proposal which will lead to the conversion of agricultural or open space land to urban uses, the Commission will consider the following criteria to determine whether the proposed action would (a) adversely affect the agricultural resources of the community, or (b) not promote the planned, orderly, efficient development of an area:
- a. The agricultural significance of the proposal area relative to other agricultural land in the region (soil, climate, and water factors).
 - b. The use value of the proposal area and surrounding parcels.
 - c. Determination as to whether any of the proposal area is designated for agricultural preservation by adopted local plans, including Local Coastal Plans, the County General Plan, Land Use and Open Space Element, and Growth Management Policies.
 - d. Determination of:
 - (1) Whether public facilities would be extended through or adjacent to any other agricultural land to provide services to the development anticipated on the proposal property.
 - (2) Whether the proposal area is adjacent to or surrounded by existing urban or residential development.
 - (3) Whether surrounding parcels may be expected to develop to urban uses within the next five years.
 - (4) Whether natural or man-made barriers would serve to buffer the proposal area from existing urban uses.
8. Government Code Section 51243.5 provides that the Clerk of the Board of Supervisors shall give written notice to any city within the County of its intention to consider adoption of a Williamson Act contract which includes land within one mile of the exterior boundaries of that city. Such notice shall be given at least 30 days prior to the time the Board of Supervisors intends to consider the execution of such a contract. If such city files with the Local Agency Formation Commission a resolution protesting the execution of a contract which includes land within one mile of the exterior boundaries of the city, and the Commission, following a hearing, upholds the protest upon a finding that the contract is inconsistent with the publicly desirable future use and control of the land in question, then should the Board of Supervisors execute such a contract, the city shall have the option provided in subdivision (b) of Section 51243 of not succeeding to the contract upon annexation of the land to the city.
9. Applications of protest to the establishment of a Williamson Act contract shall include the following information which is necessary for the Commission to determine that the contract is inconsistent with the publicly desirable future use and control of the land in question:
- a. A map showing the location of the contract in relation to the adopted sphere of influence of the protesting city.
 - b. A summary of the County and protesting city general or specific land use plan designations and policies for the proposed contract area and surrounding territory.

- c. An analysis of the economic feasibility of the current and future agricultural operations in the proposed contract area and surrounding territory.

Groundwater Standards

Informational Requirements

1. The Commission shall encourage the Monterey County Water Resources Agency, the Pajaro Valley Water Management Agency, and the Monterey Peninsula Water Management District to complete water management plans, develop, or revise allocation of water supply as necessary, and promote County-wide standards. The LAFCO standards shall be reviewed periodically to reflect changes in information and current water management policy.
2. In considering a proposal which may significantly impact the groundwater basin, as documented by the Lead Agency pursuant to the California Environmental Quality Act (CEQA), the Commission shall review the following information. This information can be submitted to the Commission in an environmental document or as a part of the LAFCO application.
 - a. The projected water demand of the proposed project based on guidelines provided by the appropriate water resources agency.
 - b. The existing water use and historical water use over the past five years.
 - c. A description of the existing water system including system capacity serving the site.
 - d. A description of proposed water system improvements.
 - e. A description of water conservation or reclamation improvements that are to be incorporated into the project.
 - f. An analysis of the impact that proposed water usage will have on the groundwater basin with respect to water quantity and quality, including cumulative impacts.
 - g. Evidence of consultation with the appropriate water agency. The agency shall be consulted at the earliest stage of the process, so that applicable recommendations can be included in the environmental document.
 - h. A description of water conservation measures currently in use and planned for use on the site such as drought tolerant landscaping, water-saving irrigation systems, installation of low-flow plumbing fixtures, retrofitting of plumbing fixtures with low-flow devices, and compliance with local ordinances.
 - i. A description of how the proposed project complies with adopted water allocation plans.
 - j. A description of those proposals where the agency has achieved water savings or where new water sources have been developed that will off-set increases in water use on the project site that would be caused by the proposal.
 - k. A description of how the proposal would contribute to any cumulative adverse impact on the groundwater basin.

1. A description of those boundary change proposals that, when considered individually and after taking into account all mitigation measures to be implemented with the project, still cause a significant adverse impact on the groundwater basin.
3. Any proposal considered by the Commission that uses water will be referred to the Monterey County Water Resources Agency, the Pajaro Valley Water Management Agency, Monterey Peninsula Water Management District, or any other affected water agency. Recommendations of the agencies will be considered by the Commission and, where appropriate, should be incorporated into the project design prior to approval of the boundary change proposal.
4. The Commission recognizes that water usage will vary due to soil type, location of aquifer, characteristics of aquifer, and type of project. Each project must be reviewed on a case-by-case basis.
5. Should an agency adopt similar or more restrictive informational requirements, the LAFCO informational Standard Nos. 1 through 5 will no longer apply.

Policy Statements

6. The Commission will encourage boundary change proposals involving projects that use reclaimed wastewater, minimize nitrate contamination, and provide beneficial use of storm waters.
7. The Commission will encourage proposals which have incorporated water conservation measures. Water conservation measures include drought tolerant landscaping, water-saving irrigation systems, installation of low-flow plumbing fixtures, retrofitting of plumbing fixtures with low-flow devices, and compliance with local ordinances.
8. The Commission will encourage those proposals which comply with adopted water allocation plans as established by applicable cities or water management agencies.
9. The Commission will encourage those proposals where the affected jurisdiction has achieved water savings or new water sources elsewhere that will off-set increases in water use in the project site that would be caused by the proposal.
10. The Commission will discourage those proposals which contribute to the cumulative adverse impact on the groundwater basin unless it can be found that the proposal promotes the planned and orderly development of the area.
11. The Commission will discourage those boundary change proposals which, when considered individually and after taking into account all mitigation measures to be implemented with the project, still cause a significant adverse impact on the groundwater basin.

Sphere of Influence Policies and Criteria
(LAFCO of Monterey County, Revised April 2003)

LOCAL AGENCY FORMATION COMMISSION
(LAFCO)
OF MONTEREY COUNTY

SPHERE OF INFLUENCE POLICIES AND CRITERIA

I. LEGISLATIVE AUTHORITY

The State Legislature has provided Local Agency Formation Commissions (LAFCO's) with the following directions in the preparation of spheres of influence:

1. "Among the purposes of a Local Agency Formation Commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local governmental agencies based upon local conditions and circumstances. One of the objects of the Local Agency Formation Commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governmental agencies so as to advantageously provide for the present and future needs of each County and its communities..."
2. "In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities, the Local Agency Formation Commission shall develop and determine the sphere of influence of each governmental agency within the County. As used in this section, "sphere of influence" means a plan for the probable ultimate physical boundaries and service area of a local governmental agency. In determining the sphere of influence of each local governmental agency, the Commission shall consider and prepare a written statement of its determinations with respect to each of the following:
 - a. The present and planned land uses in the area, including agricultural and open space lands.
 - b. The present and probable need for public facilities and services in the area.
 - c. The present capacity of public facilities and the adequacy of public services which the agency provides or is authorized to provide.
 - d. The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency."
3. Every determination made by a Commission involving proposals for changes of organization or reorganization shall be consistent with the spheres of influence of the local agencies affected by those determinations.

4. The Commission may recommend governmental reorganizations to particular agencies in the County, using spheres of influence as the basis for such recommendations."

II. DEFINITIONS

1. Agricultural Lands: Land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program (Government Code Section 56016).
2. Agricultural Preserve: Lands subject to an existing land conservation agreement established pursuant to the California Land Conservation Act of 1965 (the Williamson Act, Government Code Section 51200 et seq.).
3. County: Monterey County.
4. Essential Services: Those basic services necessary to protect the health, safety, and general well-being of a community, including but not limited to police, fire, water, sanitation, etc.
5. General Purpose Government: A City or County government.
6. LAFCO: Monterey County Local Agency Formation Commission.
7. Local Agency: A City or special district.
8. Open Space Lands: Parcel or area of land or water which is substantially unimproved and devoted to open space use as defined in Government Code Section 65560.
9. Planning Concern Area: An area established by the Local Agency Formation Commission with the assistance of the appropriate cities and the County designating a general area of concern of a city for which planning decisions and other governmental actions of the County may have an impact on the city. A "Planning Concern Area" will usually be larger than the adopted sphere of influence boundary and may take into consideration the planning area of the city as identified within their local general plans.
10. Prime Agricultural Land: (A) Land that, if irrigated, qualifies for rating as Class I or II in the USDA Natural Resources Conservation Service land-use capacity classification, whether or not the land is actually irrigated, provided that irrigation is feasible; (B) land that qualifies for rating 80-100 in the Storie Index Rating; (C) land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre; (D) land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a non-bearing period of less than five years, and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre for three of the previous five calendar years; (E) Land that has returned from the production of unprocessed agricultural plant products an annual gross

value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years. (Government Code Section 56064).

11. Regional Agencies: Association of Monterey Bay Area Governments (AMBAG), Regional Water Quality Control Board, Central Coast Regional Coastal Commission, Air Pollution Control Board, etc.
12. Sphere of Influence: A plan for the probable physical boundaries and service area of a local agency. The area around a local agency eligible for annexation and extension of urban service within a twenty-year period.
13. Sphere of Influence Boundary: Boundary, adopted by the Monterey County Local Agency Formation Commission, which delineates the limits beyond which a local governmental agency will not annex territory.
14. Urban Services: Those services which are provided to an urban area including, but not limited to, police, structural fire protection, non-agricultural water, sewer, drainage, street lighting, streets and roads.
15. Urban Service Districts: Special districts which are authorized to provide public sanitary sewer services or domestic water distribution services.
16. Urban Service Area: Urban developed areas within an urban service district or city sphere of influence, which is now served by existing urban facilities, utilities, and services or is proposed to be served by urban facilities, utilities and services within the next five years.
17. Urban Transition Area: Area within the spheres of influence boundaries of a city or an urban service district which is not programmed for urban facilities or utility extensions within the next five years. This area will most likely be used for urban expansion within approximately five to twenty years.
18. Future Study Area: Territory outside of an adopted sphere of influence that may warrant inclusion in the sphere in future years. Further study would have to be completed prior to inclusion.
19. Principal County: Principal County has the meaning contained in any definition of principal county, as set forth in the principal act. If the principal act has no definition of principal county, or if there is any inconsistency between the definitions contained in two or more applicable principal acts, principal county means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the county or counties, of all taxable property within a district or districts for which a change of organization or reorganization is proposed.

III. POLICY GUIDELINES FOR SPHERES OF INFLUENCE

The Commission will generally apply the following policy guidelines in the spheres of influence program, in addition to the local conditions and circumstances of each local agency. The Monterey County Local Agency Formation Commission will consider the particular local conditions and circumstances of each agency and community.

1. LAFCO intends that its sphere of influence determination will serve as a master plan for the future organization of local government within the County. The spheres shall be used to discourage urban sprawl; limit proliferation of local governmental agencies; encourage efficiency, economy and orderly changes in local government; promote compact, community centered urban development; and minimize adverse impacts on lands classified as prime agriculture.
2. The sphere of influence lines shall be a declaration of policy which shall be a primary guide to LAFCO in the decision on any proposal under its jurisdiction. Every determination made by the Commission shall be consistent with the spheres of influence of the agencies affected by those determinations.
3. Any proposal which is inconsistent with an agency's adopted sphere of influence shall not be approved until the Commission, at a noticed public hearing, has considered an amendment or revision to that agency's sphere of influence.
4. Inclusion within an agency's sphere of influence does not assure annexation to that agency. The Commission shall evaluate boundary change proposals as they relate to all of the relevant factors listed in the Cortese-Knox Local Government Reorganization Act of 1985 (Government Code Section 56841 et seq.).
5. When possible, a single larger general purpose agency, rather than a number of adjacent smaller ones, established for a given service in the same general area will be preferred. Where an area could be assigned to the sphere of influence of more than one agency providing a particular needed service, the following hierarchy shall apply dependent upon ability to serve.
 - a. Inclusion within a City sphere of influence.
 - b. Inclusion within a multi-purpose district sphere of influence.
 - c. Inclusion within a single-purpose district sphere of influence.

In deciding which of two or more equally ranked agencies shall include an area within its sphere of influence, LAFCO shall consider the agencies' service and financial capabilities, social and economic interdependence, topographic factors, and the effect that eventual service extension will have on adjacent agencies.

6. Duplication of authority to perform similar functions in the same territory will be avoided. Sphere of influence boundaries shall not create islands or corridors unless it can be demonstrated that the irregular boundaries represent the most logical and orderly service area of an agency.

7. The adopted sphere of influence shall reflect City and County General Plans, plans of regional agencies, growth management policies, annexation policies, resource management policies, and any other policies related to ultimate boundary or service area of an affected agency unless those plans or policies conflict with the legislative intent of the Cortese-Knox-Hertzberg Act of 2000 (Government Code Section 56000 et seq.).

Where inconsistencies between plans exist, LAFCO shall rely upon that plan which most closely follows the Legislature's directive to discourage urban sprawl, direct development away from prime agricultural land and open-space lands, and encourage the orderly formation and development of local governmental agencies based upon local conditions and circumstances.

8. Extension of urban type services promotes urban development and such development belongs in cities or areas of development concentration in the unincorporated area of Monterey County. In evaluating proposals involving urban development requiring an urban level of governmental services, the Commission will discourage the formation of new special districts or premature annexation of territory within existing city spheres of influence or logical expansion area. The Commission will discourage boundary change proposals involving urban development outside adopted city spheres of influence that have the potential to negatively impact prime agriculture or open space lands, public service capacity, existing local governmental agencies, or generally represents illogical growth patterns.
9. This Commission, in recognition of the mandated requirements for considering impacts on open space lands and agricultural lands, will develop and determine spheres of influence for Cities and urban service districts in such a manner as to promote the long-term preservation and protection of this County's "Resources." The Commission believes the public interest will be best served by considering "Resources" in a broad sense to include open space, recreational opportunities, wildlife, and agricultural land. Sphere of influence determinations must conform with the Commission's Agricultural Preservation Policy adopted in November, 1979.
10. The Commission recognizes the many inter-relationships and impacts which one agency's land use, planning, and governmental decisions may have on other agencies even though they may be outside of the "sphere of influence" of the secondary agency. Consequently, this Commission, when necessary, will seek to establish and identify Areas of Planning Concern for each city within the County. The "Planning Concern Area" will seek to identify those areas which in a broad sense affect the city in terms of planning and land use decisions. Such "Planning Concern Areas" will be established with the assistance and guidance of the affected cities and the County. The "Planning Concern Area" normally will extend beyond the adopted "sphere of influence" of the city. Once established, the Commission will solicit the cooperation and involvement of the affected cities and the County to jointly involve one another in planning decisions for these areas.

IV. PROCEDURAL GUIDELINES

1. LAFCO will designate a sphere of influence for each local agency representing the agency's probable physical boundary within a zero to twenty year period.

2. LAFCO shall consider the following factors in determining or amending an agency's sphere of influence:
 - a. Present and future need for agency services and the service levels specified for the subject area in applicable general plans, growth management plans, annexation policies, resource management plans, and any other plans or policies related to an agency's ultimate boundary and service area.
 - b. Capability of the local agency to provide essential and urban services, taking into account evidence of resource capacity sufficient to provide for internal needs and urban expansion.
 - c. The existence of agricultural preserves, agricultural lands and open space lands in the area and the effect that inclusion within a sphere of influence shall have on the physical and economic integrity of maintaining the land in non-urban use.
 - d. Present and future cost and adequacy of services anticipated to be extended within the sphere of influence.
 - e. Present and projected population growth, population densities, land uses, land area, ownership patterns, assessed valuations, and proximity to other populated area.
 - f. The agency's capital improvement or other plans that delineate planned facility expansions and the timing of that expansion.
 - g. Social or economic communities of interest in the area.
3. The Commission may establish an urban service area within an adopted sphere of influence to discourage urban sprawl and to promote compact growth patterns. Urban service areas consist of territory now served by urban facilities, utilities and services or proposed to be served within the next five years, and may include the following:
 - a. Urbanized Areas. This includes all existing areas, either incorporated or unincorporated, developed to urban densities.
 - b. Urban Expansion Areas. This consists of vacant land, either incorporated or unincorporated, which is capable of holding urban growth expected within the next five years.

The territory included within urban service areas will be considered by LAFCO to be eligible for annexation within five years. Consideration will be given to city and special district capability to provide needed services with related time schedules for planned expansion of services. Cities and special districts are encouraged to develop Capital Improvement Programs and other plans for the phased extension of services to assist LAFCO in determining logical urban service area boundaries.

4. The Commission may establish urban transition areas within adopted spheres of influence to discourage premature pressure for development. Transition areas consist of the residual lands between designated urban service areas and the ultimate sphere of influence boundary. This land will most likely be used for urban expansion within approximately five (5) to twenty (20) years. Territory included within urban transition areas, but not within urban service areas, generally will not be considered eligible for annexation to receive urban services within five years.
5. LAFCO may adopt a zero sphere of influence encompassing no territory for an agency. This occurs where LAFCO determines that the public service functions of the agency are either non-existent, no longer needed, or should be reallocated to some other agency of government.

The local agency which has been assigned a zero sphere of influence should ultimately be dissolved. Special districts that lie substantially within the boundary or sphere of influence of a general purpose government which is capable of assuming the public service responsibilities and functions of that special district may be allocated a zero sphere of influence designation.

6. Territory not in need of urban services, including open space, agriculture, recreational, rural lands or residential rural areas, shall not be assigned to an agency's sphere of influence unless the area's exclusion would impede the planned, orderly and efficient development of an area.
7. LAFCO may adopt a sphere of influence that excludes territory currently within that agency's boundaries. This occurs where LAFCO determines that the territory consists of agricultural lands, open space lands or agricultural preserves whose preservation would be jeopardized by inclusion within the agency's sphere of influence. Exclusion of these areas from an agency's sphere of influence indicates that detachment is appropriate.
8. Two or more local agencies providing the same service(s) may be allocated a consolidated sphere of influence to include the areas served by both agencies. This would be the case where LAFCO believes that the particular service(s) should be provided to the entire area by a single local agency.
9. LAFCO may establish future study areas outside of adopted spheres of influence. These areas indicate territory which may ultimately be appropriate for inclusion within an agency's sphere upon future study or modified conditions.
10. LAFCO shall adopt, amend or revise sphere of influence determinations following the procedural steps set forth in the Cortese-Knox-Hertzberg Act of 2000 (Government Code Section 56076 et seq.).
11. LAFCO shall review sphere of influence determinations not less than every five years. If a local agency or the County desires amendment or revision of an adopted sphere of influence, the local agency by resolution may file such a request with the Executive Officer. The request shall state the nature of the proposed amendment and the reasons

for the request, include a map of the proposed amendment, and contain additional data and information as may be required by the Executive Officer.

12. The Commission encourages any private individual desiring a revision of an adopted sphere of influence to request that the affected local agency initiate sphere reconsideration by resolution to promote consultation between the parties.
13. At least 30 days prior to submitting an application to the Commission for a determination of a new sphere of influence, or to update an existing sphere of influence for a city, representatives from the city shall meet with county representatives to discuss the proposed sphere, and its boundaries, and explore methods to reach agreement on the boundaries, development standards, and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere. If no agreement is reached between the city and county within 30 days, then the parties may, by mutual agreement, extend discussions for an additional period of 30 days. If an agreement is reached between the city and county regarding the boundaries, development standards, and zoning requirements within the proposed sphere, the agreement shall be forwarded to the Commission, and the Commission shall consider and adopt a sphere of influence for the city consistent with the policies adopted by the Commission pursuant to this section, and the Commission shall give great weight to the agreement in the Commission's final determination of the city sphere.
14. If the Commission's final determination is consistent with the agreement reached between the city and county pursuant to subdivision 13, the agreement shall be adopted by both the city and county after a noticed public hearing. Once the agreement has been adopted by the affected local agencies and their respective general plans reflect that agreement, then any development approved by the county within the sphere shall be consistent with the terms of that agreement.
15. If no agreement is reached pursuant to subdivision 13, the application may be submitted to the Commission and the Commission shall consider a sphere of influence for the city consistent with the policies adopted by the Commission pursuant to this section.
16. When adopting, amending, or updating a sphere of influence for a special district, the Commission shall do all of the following:
 - a. Require existing districts to file written statements with the Commission specifying the functions or classes of services provided by those districts.
 - b. Establish the nature, location, and extent of any functions or classes of services provided by existing districts.
17. In order to prepare and to update spheres of influence in accordance with Section 56425, the Commission shall conduct a service review of the municipal services provided in the county or other appropriate area designated by the Commission. The Commission shall include in the area designated for service review the county, the region, the subregion, or

any other geographic area as is appropriate for an analysis of the service or services to be reviewed, and shall prepare a written statement of its determinations with respect to each of the following:

- a. Infrastructure needs or deficiencies.
- b. Growth and population projections for the affected area.
- c. Financing constraints and opportunities.
- d. Cost avoidance opportunities.
- e. Opportunities for rate restructuring.
- f. Opportunities for shared facilities.
- g. Government structure options, including advantages and disadvantages of consolidation or reorganization of service providers.
- h. Evaluation of management efficiencies.
- i. Local accountability and governance.

- 18. In conducting a service review, the Commission shall comprehensively review all of the agencies that provide the identified service or services within the designated geographic area.
- 19. The Commission shall conduct a service review before, or in conjunction with, but no later than the time it is considering an action to establish a sphere of influence in accordance with Section 56425 or Section 56426.5 or to update a sphere of influence pursuant to Section 56425.
- 20. Individuals desiring LAFCO to initiate revision or amendment of an existing sphere of influence shall file a written request with the Executive Officer. The request shall state the nature of the proposed amendment and the reasons for the request, include a map of the proposed amendment area, and contain additional data and information as may be required by the Executive Officer.
- 21. The Executive Officer shall review each request for amendment, prepare a report and recommendation, and place the request on the agenda of the next meeting of the Commission for which notice can be given after determining conformance with the California Environmental Quality Act. Copies of the Executive Officer report shall be provided to the person(s) making the request, each affected local agency, and each person who has filed a request for a report.
- 22. Any local agency, county, or private individual making such a request shall reimburse the Commission for the actual and direct costs incurred by the Commission. The

Commission may waive such requirement if it finds that the request may be considered as part of its periodic review of spheres of influence.

23. The Monterey County Local Agency Formation Commission shall adopt, amend, or revise spheres of influence after a public hearing called and held for that purpose. At least 15 days prior to the date of any such hearing, the Executive Officer shall give mailed notice of the hearing to each affected local agency and the County, and to any interested party who has filed a written request for such notice with the Executive Officer. In addition, at least 15 days prior to the date of any such hearing, the Executive Officer shall cause notice of the hearing to be published in a newspaper of general circulation which is circulated within the territory affected by the sphere of influence proposed to be adopted or amended.

LAFCO may continue from time to time any sphere of influence hearing. At any sphere of influence hearing, LAFCO shall hear and consider oral or written testimony presented by any affected local agency, the County, or any interested person who wishes to appear.

24. On the date and time set for hearing and provided in the notice, the Commission may, without further notice, consider the amendments to a sphere of influence or set a future date for the hearing on the request.

Revised April 2003

LAFCO of Monterey County

Local Agency Formation Commission

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AGRICULTURAL LANDS PRESERVATION POLICY

ADOPTED NOVEMBER 27, 1979
MONTEREY COUNTY LOCAL AGENCY FORMATION COMMISSION

Subject: Disposition of proposals which involve the conversion of agricultural or open space lands to urban uses.

Purpose: To establish guidelines for the Commission's implementation of Government Code Sections 54774, 54790.2 and 54796 (Knox-Nisbet Act). These sections set forth priorities and policies for LAFCO's maintenance and preservation of agricultural and other open space lands.

DISCUSSION:

Statutory Framework

The Knox-Nisbet Act, LAFCO's enabling statute, requires that LAFCOs consider the effect of maintaining the physical and economic integrity of designated agricultural preserves when determining and agency's Sphere of Influence or reviewing proposals. Government Code Section 54790.2, establishes two policies to be used by LAFCOs in reviewing, approving, or disapproving proposals with respect to agricultural and open space lands:

- First, that development shall be guided away from existing prime agricultural lands toward areas containing non-prime agricultural lands, unless such an action would not promote the planned, orderly, efficient development of an area; and
- Second, that development within an agency's existing jurisdiction or Sphere of Influence should be encouraged before approval of any annexation to that agency which would lead to conversion of existing open space lands to other than open space uses.

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- Second, that development within an agency's existing jurisdiction or Sphere of Influence should be encouraged before approval of any annexation to that agency which would lead to conversion of existing open space lands to other than open space uses.

Further, Sections 54774 and 54796 respectively, require that LAFCOs consider the effect of maintaining the physical and economic integrity of designated agricultural preserves when determining an agency's Sphere of Influence or when reviewing an annexation proposal.

State law provides no more specific criteria or guidelines by which to implement the agricultural and open space land preservation policies established by the Knox-Nisbet Act. However, through Government Code Section 54774.5, the Legislature directed that LAFCO's establish policies and exercise their powers...to encourage and provide planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open space lands within such patterns."

All referenced Code Sections are attached for reference.

County Policy on Agricultural Lands

Adopted policy such as The General Plan and Growth Management Policy, have established Monterey County's priority for preserving and protecting prime and productive agricultural lands and its agricultural economy.

The County's General Plan, Land Use Element, Principles and Standards for Agriculture establishes:

1. Prime agricultural lands, wherever possible, should be separated and protected from other uses, and only those uses related to agriculture should be located on prime agricultural lands.
2. Agricultural uses should be encouraged as a means of providing open space.
3. Agricultural uses which are used by grazing and other purposes, although not considered prime soils, should be given protection.
4. Prime agricultural land must be recognized as an equal to other major land uses and given the protection it deserves as a developed use.

The Open Space Element maintains agricultural lands afford a particularly advantageous method of providing large areas of open space. They form desirable separation between towns and cities in the Salinas Valley and are not only pleasant to view, but are also economic assets to the County. This element defines retention of agricultural lands for open space as well as for economic reasons

as a principle and standard.

The Zoning and Land Use Procedures in Monterey County's Growth management Policy state:

Agriculture continues to be the basis of the economy of the County. Agricultural lands in Monterey County are some of the world's finest. Productive agricultural lands are our greatest resource and must be preserved. Protection of this land can be provided through the use of such devices as zoning, scenic easements, and Williamson Act contracts. Furthermore, developments of lands adjoining productive agricultural lands must be nonpolluting and not otherwise detrimental to the agricultural uses. The improvement of roads and other facilities serving areas of productive agricultural lands should be delimited consistent with the agricultural uses.

The County has adopted in its Growth Management Policies "Priorities for Growth." Priority will be for development in lands adjacent to existing and densely settled urban areas where the necessary services and facilities are available, except where this impacts prime and productive agricultural lands.

State Policy on Agricultural Lands

Through the Knox-Nisbet Act, the Land Conservation Act of 1965 (Williamson Act), the California Coastal Act, and the California Environmental quality Act, the California legislature has clearly established the priority of preserving the State's most productive agricultural lands.

Both the Williamson and Coastal Acts have placed the responsibility for identifying significant agricultural open space lands with local general purpose governments and established standards by which to identify such lands. The Williamson Act encourages that local governments identifying prime agricultural lands within their jurisdiction by designating agricultural preserves. The Coastal Act, through the Local Coastal Program, requires local agencies to identify both "prime agricultural land" and "potentially prime agricultural lands."

Definition of Prime Agricultural Land

The Knox-Nisbet Act requires LAFCOs to determine whether agricultural preserves or prime agricultural land would be adversely affected if a proposed annexation were approved. However, the Knox-Nisbet Act and the Municipal Organization Act (MORGA) establish different definitions of prime agricultural land for city and district annexation proposals.

For city proposals, Section 35046 (MORGA) defines "prime

agricultural land" as land qualifying under any of the five Williamson Act criteria (soil quality and economic productivity). However, for district proposals, Section 54775(p) (Knox-Nisbet) defines "prime agricultural land" in terms of only the two Williamson Act soil quality criteria. This apparent inconsistency is eliminated when Section 351560 is reviewed. It states "Except as otherwise provided in this part (all of MORGA is Part 2), such powers and duties shall be exercised in accordance with the provisions of Chapter 6.6 (Knox-Nisbet Act is Chapter 6.6.). To the extent of any inconsistency between Chapter 6.6 and this part, the provisions of this part shall control."

Proposed Policies

1. In determining whether an annexation or incorporation proposal may affect prime agricultural land, the commission shall apply the definition of "prime agricultural land" established under Section 35046 of MORGA.
2. Annexation or incorporation proposals which would allow or likely lead to the conversion of prime agricultural land or other open space land (as defined in Sections 35046 and 65560) to other than open space uses shall be discouraged by the Commission unless such an action would not promote the planned, orderly, efficient development of an area, or the affected land use planning jurisdiction has accomplished the following:
 - (a) Identified within its Sphere of Influence all "prime agricultural land" as defined under Government Code Section 35046;
 - (b) Demonstrated to LAFCO that effective measures have been adopted to preserve for agricultural use those prime agricultural lands identified in (a). Such measures may include, but not be limited to, establishing agricultural preserves pursuant to the California Land Conservation Act; designating land for agricultural or other open space uses on that jurisdiction's general plan, adopted growth management plan, or applicable specific plan; adopting an agricultural element to its general plan; and undertaking public acquisition of prime agricultural lands for the purpose of leasing back such lands for agricultural use;
 - (c) Rezoned pursuant to Government Code Section 54790(a) (3), both territory within the agency's general planning area to be maintained for agricultural use, and also territory within the annexation area to indicate anticipated level of development.

3. In reviewing a proposal which will lead to the conversion of agricultural or open space land to urban use, the Commission will consider the following criteria to determine whether the proposed action would (a) adversely affect the agricultural resources of the community, or (b) not promote the planned, orderly, efficient development of an area:
 - (a) The agricultural significance of the proposal area relative to other agricultural lands in the region (soil, climate, and water factors);
 - (b) The use value of the proposal area and surrounding parcels;
 - (c) Determination as to whether any of the proposal area is designated for agricultural preservation by adopted local plans, including Local Coastal Plans, the County General Plan, land use and Open Space Element and Growth management Policies;
 - (d) Determination of:
 - (1) Whether public facilities would be extended through or adjacent to any other agricultural lands to provide services to the development anticipated on the proposal property;
 - (2) Whether the proposal area is adjacent to or surrounded by existing urban or residential development.
 - (3) Whether surrounding parcels may be expected to develop to urban uses within the next five years.
 - (4) Whether natural or man-made barriers would serve to buffer the proposal area from existing urban uses.
4. The Commission shall encourage proposals that result in in-filling, particularly where the prime agricultural land represents a small unit and is essentially surrounded by nonagricultural land.
5. The Commission shall discourage proposals that intrude on prime agricultural land when such intrusion would lead to the disruption of viable agricultural units and the encouragement of further urban development on such lands.
6. Proposed annexations or incorporation of prime agricultural land shall be consistent with the following:
 - (a) City General Plan;

- (b) County General Plan;
- (c) Spheres of Influence (when adopted).

7. The Commission shall encourage proposals for land uses adjacent to prime agricultural land which would result in compatible uses (e.g., green belts, greenhouses, linear parks, light industry). Similarly, the Commission shall discourage proposals which would result in less compatible uses (e.g., residential and retail commercial uses).

REFERENCED CALIFORNIA GOVERNMENT CODE SECTIONS

35046. Prime Agricultural Land

"Prime Agricultural Land" means an area of land, whether a single parcel or contiguous parcels, which:

- (i) has not been developed for a use other than an agricultural use and
- (ii) meets any of the following qualifications:
 - (a) Land which qualifies for rating as Class I or Class II in the Soil Conservation Service land use capability classification;
 - (b) Land which qualifies for rating 80 through 100 Storie Index Rating;
 - (c) Land which supports livestock used for the production of food and fiber and which has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National handbook on Range and Related Grazing Lands, July, 1967, developed pursuant to Public Law 46, December 1935;
 - (d) Land planted with fruit or nut bearing trees, vines, bushes or crops which have a non-bearing period

of less than five years and which will normally return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than two hundred dollars (\$200.00) per acre;

(e) Land which has returned from the production of unprocessed agricultural plant products in annual gross value of not less than two hundred dollars (\$200.00) per acre for three of the previous five years.

(f) Land which is used to maintain livestock for commercial purposes.

54773. Short title.

This chapter shall be known and may be cited as the Knox-Nisbet Act.

(Added Stats. 1965, c. 587, pg. 1916, sec. 10)

54774. Purposes; powers; sphere of influence; recommendations; financial assistance

Among the purposes of a local agency formation commission are the discouragement of urban sprawl and the encouragement of the orderly formation and development of local governmental agencies based upon local conditions and circumstances. One of the objects of the local agency formation commission is to make studies and to obtain and furnish information which will contribute to the logical and reasonable development of local governmental agencies so as to advantageously provide for the present and future needs of each county and its communities.

In addition to its other powers, the local agency formation commission shall initiate and make studies of existing governmental agencies. Such studies shall include but shall not be limited to inventorying such agencies and determine their maximum service area and service capacities. In conducting such studies, the commission may ask for land use information,

studies, and plans of cities, counties, and districts, including school districts, and regional agencies and state agencies and departments. Cities, counties, districts, including school districts, regional agencies, and state agencies and departments, shall comply with the request of the commission for such information and the commission shall make its studies available to public agencies and any interested person. In making these studies, the commission may cooperate with the county planning commission.

In order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs to the county and its communities, the local agency formation commission shall develop and determine the sphere of influence of each local governmental agency within the county. As used in this section "sphere of influence" means a plan for the probable ultimate physical boundaries and service area of a local governmental agency. Among the factors considered in determining the sphere of influence of each local governmental agency, the commission shall consider:

- (a) The maximum possible service area of the agency based upon present and possible service capabilities of the agency.
- (b) The range of services the agency is providing or could provide.
- (c) That projected future population growth of the area.
- (d) The type of development occurring or planned for the area, including, but not limited to, residential, commercial, and industrial development.
- (e) The present and probable future service needs of the area.
- (f) Local governmental agencies presently providing services to such area and the present level, range and adequacy of services provided
- (g) The existence of social and economic interdependence and interaction between the area

within the boundaries of a local governmental agency and the area which surrounds it and which could be considered within the agency's sphere of influence.

- (h) The existence of agriculture preserves in the area which could be considered within an agency's sphere of influence and the effect on maintaining the physical and economic integrity of such preserves in the event that such preserves are within a sphere of influence of a local governmental agency.

The commission shall periodically review and update the spheres of influence developed and determined by them.

The spheres of influence, after adoption, shall be used by the commission as a factor in making regular decisions on proposals over which it has jurisdiction. The commission may recommend governmental reorganizations to particular agencies in the county, using the spheres of influence as the basis for such recommendations. Such recommendations shall be made available, upon request, to other governmental agencies or to the public.

The commission, or the board of supervisors on behalf of the commission, is authorized to apply for or accept, or both any financial assistance and grants-in-aid from public or private agencies or from the state or federal government or from a local government.

(Amended by Stats. 1976, c. 31)

54774.5
space lands

Urban development patterns; preservation of open

It is the intent of the Legislature that local agency formation commissions establish policies and exercise their powers pursuant to this chapter in such manner to encourage and provide planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within such patterns.

(Added by Stats. 1974, c. 531.)

54790.2
prioritiesConversion of open-space to other use; policies and

In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider the following policies and priorities:

- (a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless such an action would not promote the planned, orderly, efficient development of an area.
- (b) Development of existing vacant or nonprime agricultural lands for urban uses within an agency's existing jurisdiction or within any agency's sphere of influence should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the agency's existing jurisdiction or outside of an agency's existing sphere of influence.

(Added by Stats. 1974, c. 531.)

54796.

Factors to be Considered

Factors to be considered in the review of a proposal shall include but not be limited to:

- (a) Population, population density; land area and land use; per capita assessed
evaluation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.
- (b) Need for organized community services; the present cost and adequacy of

governmental services and controls in the area; probable future needs for such services and controls; probable future needs for such services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. As used in this subdivision, "services" is to be construed as referring to governmental services whether or not the services are such as would be provided by local agencies subject to this chapter, and as including the public facilities necessary to provision of services.

(c) The effect of the proposed action and of alternative actions, on adjacent

areas, on mutual social and economic interests and on the local governmental structure of the county.

(d) The conformity of both the proposal and its anticipated effects with both the

adopted commission policies on providing planned, orderly, efficient patterns of urban development and the policies and priorities set forth in Section 54790.2 of this code.

(e) The effect of the proposal on maintaining the physical and economic integrity

of lands in an agricultural preserve in an agricultural preserve in open-space

uses.

(f) The definiteness and certainty of the boundaries of the territory, the

nonconformance of proposed boundaries with lines of assessment or

ownership, the creation of islands or corridors of unincorporated territory,

and other similar matters affecting the proposed

boundaries.

(g) Conformity with appropriate city or county general and specific plans.

(h) The "sphere of influence" of any local agency which may be applicable to the

proposal being reviewed.

(Amended by Stats. 1970, c. 1249, 1. 2247, sec. 4; Stats. 1972, c. 792, p. 1411, sec. 3; Stats. 1973, c. 652, Sec. 2; Stats. 1974, c. 531.)

65560. Definitions

(a) "Local open-space plan" is the open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.

(b) "Open-space land" is any parcel or area of land or water which is essentially unimproved and devoted to an open-space use as defined in this section, and which is designated on a local, regional or state open-space plan as any of the following:

(1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.

(2) Open space used for the managed production of resources including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

4) Open space for public health and safety, including, but not

limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plans, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

LAFCO of Monterey County

Kate McKenna, Executive Officer

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Salinas, CA 93902

(831) 754-5838

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**Exhibit A.6 to Resolution (LAFCO File No. 06-10)
Transportation and Efficient Urban Development Policies
approved by the Formation Commission on September 25, 2006**

THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

RESOLUTION NO. 06 - 15

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
ADOPTING REVISIONS TO
ANNEXATION AND SPHERE OF INFLUENCE POLICIES
TO CONSIDER REGIONAL TRAFFIC IMPACTS**

WHEREAS, these proceedings are taken in conformance with the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Section 56300(a), and Section 56668 of the Government Code; and

WHEREAS, these proceedings were duly noticed in accordance with the requirements of Cortese-Knox-Hertzberg Act of 2000; and

WHEREAS, the Local Agency Formation Commission of Monterey County is required by the Cortese-Knox-Hertzberg Act of 2000 to establish written policies and procedures; and

WHEREAS, the Commission desires to revise its Annexation and Sphere of Influence policies to reiterate a primary goal of State law to encourage the orderly growth of government agencies, and provide the necessary local specificity to that broad State mandate; and

WHEREAS, regional traffic impacts of an annexation proposal or sphere of influence amendment can affect the adequacy and future needs of governmental services and facilities; and

WHEREAS, regional traffic impacts of an annexation proposal or sphere of influence amendment are reflective of whether or not the proposal promotes efficient patterns of urban development; and

WHEREAS, regional traffic impacts of an annexation proposal or sphere of influence amendment can affect the economic vitality of our agricultural natural resources; and

WHEREAS, regional traffic impacts of an annexation proposal or sphere of influence amendment can adversely affect the environment through air quality and noise impacts; and

NOW, THEREFORE, the Local Agency Formation Commission of Monterey County does HEREBY RESOLVE as follows:

That the policy revisions are exempt from CEQA based on class 7 and class 8 categorical exemptions; and

That the LAFCO Commission shall revise its Annexation and Sphere of Influence policies to include:

For annexations and Sphere of Influence applications, LAFCO of Monterey County shall consider as part of its decision whether the proposal mitigates its regional traffic impacts by, for example, monetary contribution to a regional transportation improvement fund as established by the Transportation Agency of Monterey County or otherwise.

UPON MOTION OF Commissioner Calcagno, seconded by Commissioner DiMaggio, the foregoing resolution is adopted this 23rd day of October 2006 by the following vote:

AYES:	Commissioners Calcagno, DiMaggio, McGowan, Rubio, Shirrel and Smith
NOES:	Commissioner Gourley
ABSENT:	Commissioners Caballero and Perkins
ABSTAIN:	None

ATTEST: I certify that the within instrument is a true and complete copy of the original resolution of said Commission on file within this office.

Witness my hand this 23rd day of October, 2006

By: _____
Kate McKenna, AICP
Executive Officer

THE LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

RESOLUTION NO. 06 – 16

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION
ADOPTING REVISIONS TO
ANNEXATION AND SPHERE OF INFLUENCE POLICIES
TO CONSIDER EFFICIENT DEVELOPMENT PATTERNS

WHEREAS, these proceedings are taken in conformance with the provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Section 56300(a), and Section 56668 of the Government Code; and

WHEREAS, these proceedings were duly noticed in accordance with the requirements of Cortese-Knox-Hertzberg Act of 2000; and

WHEREAS, the Local Agency Formation Commission of Monterey County is required by the Cortese-Knox-Hertzberg Act of 2000 to establish written policies and procedures; and

WHEREAS, the Commission desires to revise its Annexation and Sphere of Influence policies to reiterate a primary goal of State law to encourage the orderly growth of government agencies, and provide the necessary local specificity to that broad State mandate; and

WHEREAS, an annexation proposal or sphere of influence amendment for a city whose general plan includes goals, policies, and objectives that encourage mixed uses and mixed densities, would promote and provide planned, well-ordered, efficient urban development patterns; and

WHEREAS, an annexation proposal or sphere of influence amendment for a city whose general plan includes goals, policies, and objectives that encourage mixed uses and mixed densities would be protective of the County's agricultural and open space resources; and

WHEREAS, an annexation proposal or sphere of influence amendment for a city whose general plan includes goals, policies, and objectives that encourage mixed uses and mixed densities would be protective of the environment;

NOW, THEREFORE, the Local Agency Formation Commission of Monterey County does HEREBY RESOLVE as follows:

That the policy revisions are exempt from CEQA based on class 7 and class 8 categorical exemptions; and

That the LAFCO Commission shall revise its Annexation and Sphere of Influence policies to include:

For annexations and Sphere of Influence applications, LAFCO of Monterey County shall consider as part of its decision whether the city in which the annexation or Sphere of Influence amendment is proposed has included certain goals, policies, and objectives into its General Plan that encourage mixed uses, mixed densities, and development patterns that will result in increased efficiency of land use, and that encourage and provide planned, well-ordered, efficient urban development patterns.

UPON MOTION OF Commissioner Calcagno, seconded by Commissioner DiMaggio, the foregoing resolution is adopted this 23rd day of October 2006 by the following vote:

UPON MOTION OF Commissioner Calcagno, seconded by Commissioner DiMaggio, the foregoing resolution is adopted this 23rd day of October 2006 by the following vote:

AYES:	Commissioners Calcagno, DiMaggio, McGowan, Rubio, Shirrel and Smith
NOES:	Commissioner Gourley
ABSENT:	Commissioners Caballero and Perkins
ABSTAIN:	None

ATTEST: I certify that the within instrument is a true and complete copy of the original resolution of said Commission on file within this office.

Witness my hand this 23rd day of October, 2006

By: _____
Kate McKenna, AICP
Executive Officer

Exhibit A.7 to Resolution (LAFCO File No. 06-10)

**Selected Sections from the City of Greenfield General Plan
(adopted May 31, 2005)**

- o "Use 'reserve' designations on land adjacent to the Planning Area boundaries and require the development of the majority of nonreserve land in the same land use designation prior to development of 'reserve' areas." ["Overview of Major Land Use Issues" page 2-7]
- o "Ensure that redevelopment and new development is designed, sited, and constructed in a manner that creates a balanced and desirable city, maintains and enhances the character and best qualities of the community, and ensures that Greenfield remains economically viable." [Goal 2.1]
- o "Require agricultural buffers on developments adjacent to agricultural land consistent with the Local Agency Formation Commission's (LAFCO) requirements." [Policy 2.1.7]
- o "Where differing land uses abut one another, promote land use compatibility with buffering techniques such as landscaping, setbacks, screening and, where necessary, construction of sound walls." [Policy 2.1.12]
- o "Encourage higher density residential development at locations within walking distance of the downtown area, commercial areas and shopping opportunities, and bus routes." [Policy 2.2.3]
- o "Promote compact city growth and phased extension of urban services to discourage sprawl and encourage development that improves agriculture and vital public services." [Policy 2.6.1]
- o "Preserve agricultural land and open space around the city to inhibit sprawl and maintain the rural community character of Greenfield." [Policy 2.6.2]
- o "Land designated on the Land Use Map as "Residential Reserve" and in agricultural production shall not be converted to residential uses until the following findings are made: 1) that the development of the land will contribute to the establishment of a stable urban limit, and 2) that 80% of the land designated in the City for residential uses has been developed or has been approved for such development." [Program 2.6.C]
- o "Establish a permanent 200-foot agricultural buffer along the west side of 2nd Street throughout the Planning Area for all future development." [Program 2.6.D]
- o "Improve the community's physical appearance through creative planning, redevelopment and design of new development areas." [Goal 2.8]
- o "Require future development to employ planning principles (including but not limited to Traditional Neighborhood Design and New Urbanist design) that enhance community character in project design such as, but not limited to, creating distinct neighborhoods with schools, parks, and commercial services within walking distance, promoting bicycling and walking by creating pedestrian and bicycle friendly streets and trails, and minimizing vehicle trips." [Program 2.8.A]
- o "Provide for future growth and development as depicted in the Land Use Element by attaining public facility and traffic levels of service necessary to protect the public health, safety, and welfare." [Goal 4.1]
- o "Ensure responsive and sufficient funding mechanisms for the future development and improvement of public facilities that serve the City of Greenfield." [Goal 4.2]

- “Plan for safe, efficient, and cost-effective removal of waste from residences, businesses, and industry.” [Goal 4.9]
- “Assure that potable water supplies are available in quantities sufficient to serve the community and to develop supplies and facilities to meet future water needs.” [Goal 4.10]
- “Maintain adequate sewer collection, treatment and disposal in a manner that meets the current and projected needs of the community.” [Goal 4.11]
- “Protect persons and property from the damaging impacts of flooding.” [Goal 4.12]
- “Allow agriculture to continue as a viable use of land that reflects the community’s origins while minimizing conflicts between agricultural and urban uses.” [Goal 7.1]
- “Incorporate parks, open space, and trails between urban and agricultural uses to provide buffering and transition between uses.” [Policy 7.1.4]

Resolution 2006-82, approved by the Greenfield City Council, August 15, 2006

CITY OF GREENFIELD
RESOLUTION NO. 2006 - 82

A RESOLUTION OF THE COUNCIL OF THE CITY OF GREENFIELD
ADOPTING A NOTICE OF INTENT TO ESTABLISH A REGIONAL
DEVELOPMENT IMPACT FEE

WHEREAS, the Transportation Agency for Monterey County has proposed a regional development impact fee program to address the cumulative impacts of new development to regional roads and State highways; and

WHEREAS, the Transportation Agency for Monterey County has agreed to initiate in 2006 an update of the proposed regional development impact fee program to include an analysis of fee zones for the purpose of calculating regional fees by geographic sub-regions; and

WHEREAS, in the course of performing the update to the regional development impact fee program, the transportation agency has also agreed to utilize the City of Greenfield's most recently adopted General Plan and land use assumptions for the regional transportation modeling and "select link" analysis phases of the regional development impact fee update; and

WHEREAS, the transportation agency will reevaluate the commercial trip generation rates of the regional development impact fee not to exceed \$ 8,192 when calculating the updated regional fee schedule.

NOW, THEREFORE, the Council of the City of Greenfield does hereby resolve as follows:

SECTION 1. Notice of Intent (NOI) to Establish a Regional Development Impact Fee. Taking the Transportation Agency for Monterey County's commitments to update the proposed regional fee program into account, the Council of the City of Greenfield adopts Notice of Intent to establish a regional development impact fee in the City of Greenfield and to condition all new development projects with payment of the regional fee on a project-by-project basis pending approval of the fee and Joint Powers Agreement.

SECTION 2. Effective Date. This Resolution shall take effect upon approval by the Council of the City of Greenfield.

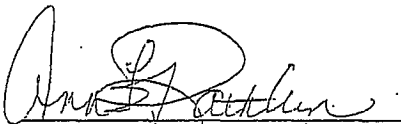
PASSED AND ADOPTED this 15th day of August 2006, by the following vote.

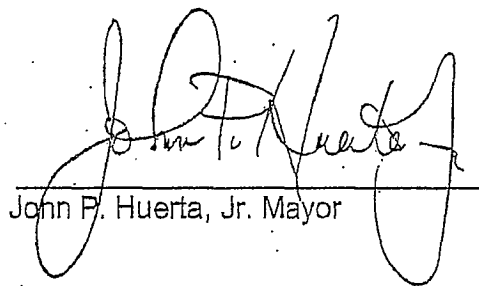
AYES: Mayor Huerta, Mayor Pro-tem Teneyuque, Councilmember Vazquez, Councilmember Moreno and Councilmember Gonzalez

NOES: None

ABSTAIN: None

ABSENT: None


Ann F. Rathbun, City Clerk


John P. Huerta, Jr. Mayor